

**CHARTER TOWNSHIP OF HURON
WAYNE COUNTY, MICHIGAN**

ORDINANCE NO. 21-02

AN ORDINANCE TO REPLACE CHAPTER 228, ARTICLE VII, SECTION 28, TO REGULATE WEAPONS AND IMITATION FIREARMS, AND TO PROVIDE A PENALTY FOR THE VIOLATION THEREOF.

THE CHARTER TOWNSHIP OF HURON HEREBY ORDAINS:

Section 1: Chapter 228, Section 28 is hereby amended as follows:

Section 2: New Section: Definitions.

- (1) *"Brandish"* means to point, wave about, or display in a manner intended to induce fear in another person.
- (2) *"Firearm"* means a weapon from which a dangerous projectile may be propelled by using explosives, gas, or air as a means of propulsion. "Firearm" does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BBs not exceeding 0.177 caliber by means of a spring, air, or gas.
- (3) *"Other device capable of expelling a projectile"* means a device other than a firearm, pistol, or pneumatic gun from which is propelled a missile, projectile, pellet, or other mass by means of springs, rubber, elastic strip, levers or other mechanical means which device shall be capable by the discharge of any such missile, projectile, pellet, or other mass of inflicting personal injury or death upon any person. "Other device capable of expelling a projectile" is not a toy item or apparatus deemed by the manufacturer to be usable by an individual under age ten
- (10) that discharges low risk projectiles including but not limited to foam, Nerf, and ping-pong balls.
- (4) *"Pneumatic gun"* means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact. For purposes of this Chapter, pneumatic gun does not include an imitation firearm.
- (5) *"Projectile"* means any missile, bullet, shot, pellet, or other mass.
- (6) *"Public place,"* means any street, alley, park, sidewalk, public building, any place of business open to the public or frequented by the public or any portion thereof, and any other place which is open to public view or to which the public, or any portion thereof, has access.
- (7) *"Imitation firearm"* means any toy, imitation, facsimile or imitation pistol, revolver, shotgun, rifle, air rifle, BB gun, pellet gun, machine gun, or other similarly simulated weapon

which because of its color, size, shape, or other characteristics, can reasonably be perceived to be a real firearm or pneumatic gun. "Imitation Firearm" does not include:

- (a) A pneumatic gun;
- (b) A non-firing collector replica antique firearm, which looks authentic and may be a scale model but is not intended as a toy, modeled on real firearms designed, manufactured, and produced prior to 1898;
- (c) Decorative, ornamental, and miniature objects having the appearance, shape and/or configuration of a firearm, including those intended to be displayed on a desk or worn on bracelets, necklaces, key chains, and so on, provided that the objects measure no more than thirty-eight (38) millimeters in height by seventy (70) millimeters in length, the length measurement excluding any gun stock length measurement; or
- (d) A toy item or apparatus deemed by the manufacturer to be usable by an individual under age ten (10) that discharges low-risk projectiles including but not limited to foam, Nerf, and ping-pong balls.

Section 3: New Section: Discharge of Firearms.

Discharge of firearms. A person shall not hunt or discharge a firearm within 150 yards of an occupied building, dwelling, house, residence or cabin, or any barn or other building used in connection with a farm operation without obtaining the written permission of the owner, renter, or occupant of the property. This shall not be deemed to prohibit the discharge of a firearm at a gun range or gun club holding a current license from the Township permitting the discharge of said firearm.

Section 4: New Section: Brandishing of Firearms

Brandishing of firearms. A person shall not brandish a firearm in a public place.

Section 5: New Section: Regulation of Imitation Firearms

- (1) No person shall knowingly display or expose any imitation firearm in a public place.
- (2) No person shall brandish an imitation firearm.
- (3) No person shall manufacture, enter into commerce, ship, transport, receive, sell or offer to sell an imitation firearm in violation of federal law.
- (4) No person shall knowingly give, sell, or otherwise furnish an imitation firearm to any person under the age of 18.
- (5) This Section does not apply to:

- (a) An imitation firearm that has a blaze orange tip or other approved marking as described in 15 USC § 5001, 15 CFR 272, or other applicable federal law or regulation, and the blaze orange tip or marking is not concealed;
- (b) An imitation firearm used in a theatrical production, including any motion picture, film, video, television, stage production, or commercial film or video production;
- (c) An imitation firearm used in conjunction with a certified or regulated sporting event or competition;
- (d) An imitation firearm used in an authorized military, civil defense, or civic activity, including a flag ceremony, color guard, parade, award presentation, historical reenactment, or memorial;
- (e) An imitation firearm used for a public display authorized by a school or a display that is part of a museum collection;
- (f) An imitation firearm used in a parade, ceremony, or other similar activity for which a permit has been obtained from the Township; or
- (g) An imitation firearm displayed on a wall plaque or in a presentation case.
- (h) An imitation firearm that is being used in an area where the discharge of a firearm is lawful or in conjunction with law enforcement training.

Section 6: New Section: Alteration of an Imitation Firearm or Possession of an Altered Imitation Firearm

- (1) No person shall alter, remove, or obliterate any coloration, markings, or bands that are required by 15 USCA Section 5001 and accompanying federal regulations for any imitation firearm in a way that makes the imitation firearm look more like a firearm or pneumatic gun.
- (2) No person shall knowingly possess an imitation firearm on which the blaze orange tip or other approved markings as described in 15 USCA Section 5001 and accompanying federal regulations has been altered, removed or obscured.
- (3) This Section does not apply to a lawful use of an imitation firearm in any theatrical production, including any motion picture, video, television, or stage production.

Section 7: New Section: Swords and Knives

It shall be unlawful for any person to:

- (1) Offer for sale, keep, possess, use or loan a cane sword, umbrella sword, or self-opening knife;
- (2) Carry a knife with a blade of more than three inches in length, which is concealed on or about his person, on any of the streets or other public places in the Township, or on any private property frequented, or visited by the public for purposes of education, recreation, amusement,

entertainment, sport, or shopping; provided that the prohibition of this section shall not apply to any one-armed person in possession of a self-opening knife in connection with his living requirements;

(3) Carry a knife with a blade of more than three inches in the passenger area of any automobile;

(4) Carry a knife with a blade of more than three inches in any business establishment that has a Class "C" liquor license.

Section 8: New Section: Parental Responsibility

A parent, guardian or other person having the physical custody or charge of a minor under the age of seventeen (17) years shall exercise reasonable parental control by requiring the minor to observe the provisions of this Chapter.

Section 9: New Section: Penalty

(1) Any person who violates any provision of this Chapter shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of up to five hundred dollars (\$500.00) or imprisonment for up to ninety (90) days or both.

(2) The presumption shall be that any person who violates any provision of the imitation firearm section of this Chapter shall be subject to a civil infraction fine of up to five hundred dollars (\$500.00) for the first offense and shall be guilty of a misdemeanor for any subsequent offense. Upon conviction they shall be subject to a fine of up to five hundred dollars (\$500.00) or imprisonment for up to ninety (90) days or both

Section 10: New Section: Severability

Should any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 11: New Section: Effective Date

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety and welfare, and are hereby ordered to take immediate effect and to be in force from and after the earliest date allowed by law, and this Ordinance is hereby ordered to be published in the manner provided by law.

Publication. This Ordinance was approved and adopted by the Township Board of Huron Charter Township, Wayne County, Michigan on April 14 2021, after introduction and a first reading on March 10, 2021, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective immediately upon publication, in The News Herald, a newspaper having general circulation in the Township.

David A. Glaab, Supervisor

Jeremy R. Cady, Clerk

I further certify that the foregoing was published in The News Herald, a newspaper of general circulation in the Charter Township of Huron on the 21st day of April, 2021.

Jeremy R. Cady, Clerk